

IAP7 Rec'd PCT/PTO 05 JUN 2006'

FORM PTO-1390 (REV 10-94)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 14622.0001USWO
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) Filed here within <b>10/581611</b>
INTERNATIONAL APPLICATION NO. PCT/IB2004/004405	INTERNATIONAL FILING DATE December 3, 2004	PRIORITY DATE CLAIMED December 5, 2003	
TITLE OF INVENTION PREDICTING RESPONSE AND OUTCOME OF METASTATIC BREAST CANCER ANTI-ESTROGEN THERAPY			
APPLICANT(S) FOR DO/EO/US BERNS et al.			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).</li> <li><input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li> <li><input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li><input checked="" type="checkbox"/> has been transmitted by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li> </ol> </li> <li><input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</li> <li><input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <li><input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li><input type="checkbox"/> have been transmitted by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An unsigned oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li><input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>			
Items 11. to 16. below concern document(s) or information included:			
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.			
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.			
13. <input checked="" type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.			
14. <input type="checkbox"/> A substitute specification.			
15. <input type="checkbox"/> A change of power of attorney and/or address letter.			
16. <input checked="" type="checkbox"/> Other items or information: Application Data Sheet 4 pages, Formal Drawings 5 pages, International Publication WO2005/054510 A2, Form PCT/RO/101, Form PCT/ISA/202, Form PCT/ISA/210, Form PCT/ISA/220, Form PCT/ISA/237, Form PCT/IB/301, Form PCT/IB/304, Form PCT/IB/306, Form PCT/IB/308, Form PCT/IB/311			

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) Filed <b>10/581611</b>		INTERNATIONAL APPLICATION NO. PCT/IB2004/004405		ATTORNEY'S DOCKET NUMBER 14622.0001USWO	
BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)):					
[X] a) Basic National fee.....\$300.00				\$300.00	
[X] b) Examination fee.....\$200.00				\$200.00	
[X] c) Search fee.....\$500.00				\$500.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,000.00</b>	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate		
36	-100 = 0	/50 =	X \$250.00	\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	22	-20 = 1	X \$50.00	\$100.00	
Independent claims	3	-3 = 0	X \$200.00	\$0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,100.00</b>	
Reduction by 1/2 for filing by small entity, if applicable. Small entity status is claimed pursuant to 37 CFR 1.27				\$0.00	
<b>SUBTOTAL =</b>				<b>\$1,100.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+ \$0.00	
<b>TOTAL NATIONAL FEE =</b>				<b>\$1,100.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$0.00	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$1,100.00</b>	
				Amount to be refunded	\$0.00
				charged	\$1,100.00
<p>a. [ ] Check(s) in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. [X] Please charge my Deposit Account No. <u>13-2725</u> in the amount of \$ <u>1,100.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>13-2725</u>.</p>					
<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p>					
<p>SEND ALL CORRESPONDENCE TO: Denise M. Kettelberger MERCHANT &amp; GOULD P.O. Box 2903 Minneapolis, MN 55402-0903</p>					
<p>SIGNATURE: <u>Denise M Kettelberger</u></p>					
<p>NAME: Denise M. Kettelberger</p>					
<p>REGISTRATION NUMBER: 33,924</p>					

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/581611

Applicant: BERNs et al.  
 Docket: 14622.0001USWO  
 Title: PREDICTING RESPONSE AND OUTCOME OF METASTATIC BREAST CANCER ANTI-ESTROGEN THERAPY

## CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 841295289 US

Date of Deposit: June 5, 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop: PCT, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450.

By: 

Name: John Jinkens

Mail Stop PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ National Stage PCT Patent Application of PCT/IB2004/004405: Spec. 28 pgs; 18 claims; Abstract 0 pgs. The fee has been calculated as shown below in the 'Claims as Filed' table.
- ☒ 5 sheets of formal drawings
- ☒ Please charge Deposit Account No. 13-2725 for the following item(s):
- ☒ An unsigned Combined Declaration and Power of Attorney
- ☒ Application Data Sheet, 4 pages.
- ☒ Form 1390
- ☒ Other: Preliminary Amendment, International Publication WO2005/054510 A2, Form PCT/RO/101, Form PCT/ISA/202, Form PCT/ISA/210, Form PCT/ISA/220, Form PCT/ISA/237, Form PCT/IB/301, Form PCT/IB/304, Form PCT/IB/306, Form PCT/IB/308, Form PCT/IB/311
- ☒ Return postcard

## CLAIMS AS FILED

Number of Claims Filed	No.	In Excess of	Extra	Rate	Fee
Total Claims	22	20	2	\$50.00	\$100.00
Independent Claims	3	3	0	\$200.00	\$0.00
Multiple Dependent Claims Fee					\$0.00
Basic Filing Fee					\$300.00
Search Fee					\$500.00
Examination Fee					\$200.00
Utility Application Size Fee	36	100	0	\$250.00	\$0.00
Total					\$1,100.00

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
 P.O. Box 2903 Minneapolis, MN 55402-0903  
 612.332.5300

By: 

Name: Denise M. Kettelberger

Reg. No.: 33,924

Initials: DMK/ncb

23552

PATENT TRADEMARK OFFICE

PTO TRANSMITTAL - NEW FILING)